



YELLOWSTONE COUNTY ZONING COMMISSION

YELLOWSTONE COUNTY, MONTANA

MONDAY, AUGUST 12, 2013

SUBJECT: Zone Change #644 – 1020 64th Street West
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change request from Agriculture-Open Space (A-1) to Agriculture-Suburban (A-S) on a 40 acre parcel of land, Tracts 9 and 10, C/S 1759. The property is generally located at 1020 64th Street West south of Grand Avenue. The applicant conducted a pre-application neighborhood meeting on June 20, 2013, at Sanderson Stewart, 1300 N Transtech Way. The owners are Janet and Mark Dolar and Sanderson Stewart is the agent. Planning staff is forwarding a recommendation of approval.

APPLICATION DATA

OWNER: Janet and Mark Dolar
AGENT: Lauren Waterton, Sanderson Stewart
LEGAL DESCRIPTION: C/S 1759, Tracts 9 and 10
ADDRESS: 1020 64th Street West
SIZE OF PARCEL: 40 acres
EXISTING LAND USE: 1 single family dwelling, agricultural and accessory buildings
PROPOSED LAND USE: Same with possible future development of additional single family dwellings
EXISTING ZONING: A-1
PROPOSED ZONING: A-S

APPLICABLE ZONING HISTORY

Subject Property

None

Surrounding Properties

1 Surrounding Property approved for zone changes from A-1 to A-S in 2009.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-S
Land Use: Agricultural land
SOUTH: Zoning: Outside zoning jurisdiction
Land Use: AJ Mini-storage
EAST: Zoning: A-1 & A-S

Land Use: Agricultural and single family homes
WEST: Zoning: A-1
Land Use: Agricultural

REASONS

The subject property is located on the west side of 64th Street West between Grand Avenue and Central Avenue. The property is on the boundary of the County zoning jurisdiction and un-zoned property south of these lots is developed for mini-storage warehousing. The property was developed with 2 single family homes but 1 home was recently used for Billings Fire Department training and no longer exists. The applicant intends to provide up to 14 additional dwellings on the 40-acre property through a subdivision. A subdivision will require construction of access roads, installation of water and septic systems, as well as providing protection from fire hazards and preservation of water rights and access to nearby agricultural water users. To the north, east, and west are active agricultural lands with a few single family dwellings on lots of 2.5 to 5 acres.

Sixty-Fourth Street West is a principal arterial street. There are no traffic counts available for this section of 64th Street West however other sections south of this location carry between 500 and 1,500 vehicle trips per day, according to the 2013 traffic count program. The posted speed limit of this section of the road is 55 mph. There is a proposed on-street bike lane for this section of 64th Street West. Tract 9 has a regulated 100-year flood plain of Hogan's Slough that runs from the northwest to the southeast. Any new occupied structures must meet the flood plain requirements. The subject property is not within the limits of annexation for the City of Billings. The West Billings Neighborhood Plan indicated this area of the County should develop as low density residential subdivisions or as agricultural uses.

A neighborhood meeting was conducted by the applicant on June 20th, 2013, at Sanderson Stewart at 1300 N Transtech Way. The minutes of the meeting are included as Attachment B. The applicant shows in the meeting minutes that issues of concern are the potential number of new dwelling units, covenants and restrictions, water shares, and new access roads. The Planning Division was contacted by Connie Wardell of 514 64th Street West about the proposed zone change. Ms. Wardell lives just north of the AJ Ministorage warehouse. Ms. Wardell did not provide any written comments concerning the application but may provide testimony at the public hearings.

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is adjacent to an arterial street and is in an area west of the city limits not anticipated to be annexed. Hogan's Slough flood plain limits the usable area of Tract 9 (west 20 acres) of the property. All new drain fields and zoning compliance will be assured prior to any new residential construction on the site. There are adjacent residential subdivisions of similar density with A-S zoning in place. The proposed zoning will be identical to the adjacent zoning to the north and east. The West Billings Neighborhood Plan anticipated low density residential development and agricultural uses in this

area. The proposed zoning conforms to the goals and policies of the neighborhood plan and the 2008 Growth Policy.

RECOMMENDATION

Approval of Zone Change #644 and adoption of the 11 criteria for this zone change.

PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning complies with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
This zone change would allow for additional area for single family dwellings adjacent to existing uses that are similar to the surrounding development in the area.
- Goal: New development that is sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is adjacent to similar residential subdivisions of homes on lots of 2.5 to 5 acres.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by BUFSA and the Yellowstone County Sherriff. The nearest fire station is Fire Station #7 at 54th St West and Grand Avenue 1.5 miles east of the subject property. Development of the property for additional dwelling units will be reviewed by County agencies.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning could increase traffic on 64th Street West, a principal arterial street. The current average daily traffic is likely less than 1,000 vehicle trips per day. If the subdivision creates more than 500 additional trips per day, a traffic accessibility study will be required. If the property were developed to the maximum density of 1 dwelling unit per acre, then an additional 390 vehicle trips would be an average increase in traffic. This increase would not warrant a traffic study.

Water and Sewerage: The property will be served by on site water and waste water systems. Riverstone Health and the MT DEQ will ensure all new systems are installed and constructed to protect the public health and local ground water.

Schools and Parks: The property is within the Billings School District #2. Elementary students would attend Central Heights Elementary at 120 Lexington Drive (east of 24th St West). It would be anticipated there might be an impact on the school system depending on the number and type of dwellings constructed. The development would not necessarily increase demand for parks. There are several neighborhood and community parks in the area both in the city and county.

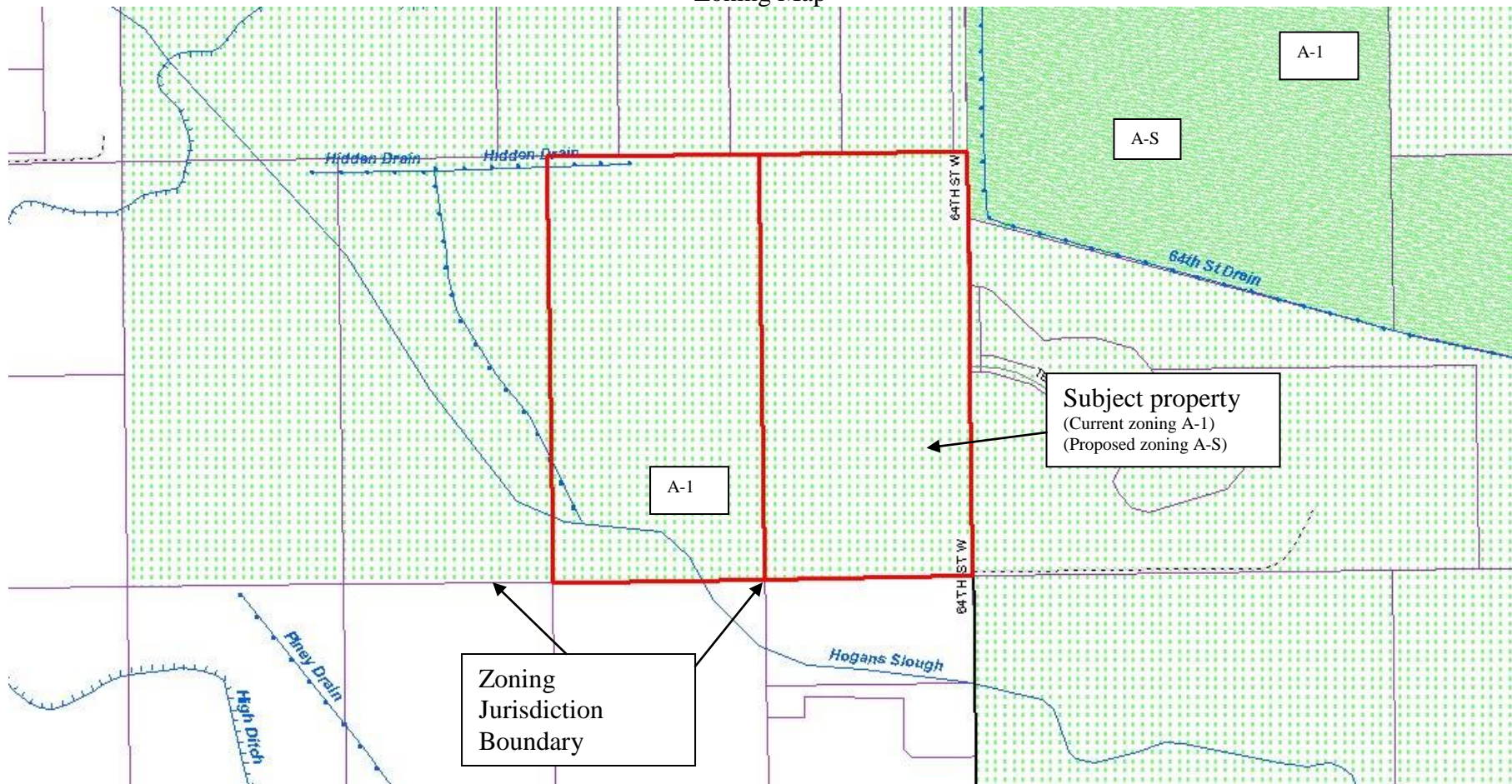
Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of development.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of a large acreage property for several single family dwellings. There is similar development to the north and east. Property improvements will require approval of all new water and waste water systems that will ensure public health.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights, and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on 64th Street West. The proposed subdivision will add to the existing traffic on 64th Street. Sight distance is a concern on this part of the road. The posted speed limit is 55 mph and traffic entering or stopped to turn on to adjacent property can cause traffic congestion. The street does not have sidewalks and there are plans to develop an on-street bike lane on this arterial street.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with nearby developments. The closest urban development is 1 mile to east along Grand Avenue.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that has existing single family development and is in character with those uses. The property is suitable for single family uses given its location in proximity to similar subdivisions.

9. Will the new zoning conserve the value of buildings?
The new zoning allows single family dwellings. The value of existing buildings on the site and in the surrounding subdivisions will be conserved by similar zoning and development.
10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for residential development at the proposed density.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is not adjacent to the City of Billings.

Attachment A: Zoning Map
Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
Attachment C: Site Photographs

Attachment A - Zone Change #644
Zoning Map



Attachment B - Zone Change #644
Applicant Letter & Pre-application neighborhood meeting minutes

CATTLE RANCH ESTATES SUBDIVISION
TRACTS 9 AND 10 COS 1759
ZONE CHANGE APPLICATION FROM AGRICULTURAL OPEN
TO AGRICULTURAL SUBURBAN

STATEMENT OF PROPOSAL

Mark and Janet Dolar own approximately 80 acres on the west side of Billings, adjacent to 64thth Street West, between Central Avenue and Grand Avenue. The property owners are requesting a zone change for 40 acres located on the eastern half of their property. The owners would like to create up to 15 parcels within the 40 acres. In order to do so, a zone change from Agricultural Open to Agricultural Suburban is requested. The Agricultural Suburban zoning designation provides for low density residential development, similar to what is proposed for this parcel.

RESPONSES TO APPLICATION QUESTIONS

1A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

The primary goals and objective of the 2008 Growth Policy are divided into eight primary elements. The goals of the Land Use Element are described below.

Goal 1. Predictable land use decisions that are consistent with neighborhood character and land use patterns.

The land use of the proposed Agricultural Suburban (AS) zoning will be compatible and predictable with the surrounding neighborhood character. Within the vicinity, there are numerous small subdivisions and larger acre properties, particularly to the north along Grand Avenue. The proposed zone change would allow a similar type of development to occur on the property with similar land use patterns.

Goal 2. New developments that are sensitive to and compatible with the character of adjacent City Neighborhoods and County Townsites.

The Agricultural Suburban Zone District is compatible with the surrounding area and fits the type of land use patterns in the vicinity. The southern boundary of this property borders the limits of the zoning jurisdiction for Yellowstone County. Properties to the south and west are of similar density to what would be permitted in Agricultural Suburban zoning. Assuming the property is developed under the proposed zoning, the property would be divided into 15 single family lots, for an average lot size of 2.6 acres.

Goal 3. Growth management tools available to rural townsites.

The project area is located within the City of Billings Zoning Jurisdiction and is adjacent to the limits of the Long Range Urban Planning Area. It is intended to remain in the County and not seek annexation. The proposed use is consistent with the rural character and small subdivisions along Grand Avenue and 64th Street West.

Goal 4. Contiguous development focused in and around existing population centers separated by open space.

The proposed zoning for this property uses low density AS zoning, keeping density in a rural character.

Goal 5. Affordable housing for all income levels dispersed throughout the City and County.

The new AS zoning would allow create more housing choices on the west end of Billings. Although there are single family homes available on the west end of Billings, there are few affordable options available for Billings working class on the west end. This zoning designation would increase the availability of housing in the area.

Goal 6: More housing and business choices with each neighborhood.

The new AS zoning would allow increase housing choices. Currently, on Billings' west end, there are very few options for affordable work-force type housing. This zoning would increase the availability of housing on Billings west end.

1B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

The AS zoning would provide the density at a rural level of one unit per two acres. The owners are seeking to subdivide the property into no more than 15 lots. With the average lot size approximately 2 acres and common open space as part of the development, the subdivision will fit into the existing development pattern in the neighborhood.

The current zoning allows one unit per 10 acres. The new AS zoning would allow only single-family residences on two acre lots, which would be consistent with the zoning within the area. As the west end in Billings continues to grow, additional land for residential purposes is needed.

CATTLE RANCH ESTATES SUBDIVISION

ZONE CHANGE PROPOSAL
WITHIN
BILLINGS, MONTANA

PREPARED FOR : MARK AND JANET DOLAR
PREPARED BY : **SANDERSON STEWART**

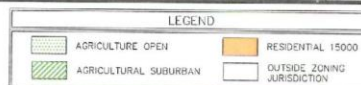
JUNE, 2013
BOZEMAN, MONTANA



EXISTING ZONING



PROPOSED ZONING



DOLAR PROPERTY, CERTIFICATE OF SURVEY NO. 1759
 NEIGHBORHOOD ZONE CHANGE MEETING
 JUNE 20, 2013
 5:00 P.M. - SANDERSON STEWART
 1300 NORTH TRANSTECH WAY, BILLINGS

NAME	ADDRESS	PHONE	EMAIL
Robert Smith	6002 Grand	652-2749	AUTUMN not confirmed
Robert Xie	725 64th		
Bernice Xie	"	652-5754	
Laurel + Bob Don	6305 Terra Vista Dr.	670 6183	
Scott + Sherry Linton	10321 Terra Vista Dr.	655-0334	
Janet Dolan	1020 64th St W.	406-702-2379	
Mark Dolan			
Seth Dolan			
Eric + Lillian Skopec	1606 Grand	656-4322	
Debra Skopec	1526 Grand		
Pat Davis	1300 N. Transtech	656-5435	pdavis@sandersonstewart.com

MEETING MINUTES

PROJECT: Certificate of Survey 1759 – Tracts 9 and 10			
Project No: 12037.01			
Meeting Location: Sanderson Stewart Conference Room		Meeting Date: June 20, 2013; 5:00 PM	
Meeting Subject: Pre-application neighborhood meeting for proposed zone change.		Prepared by: PJD	
Attending: See attached sign-in sheet			
Date of Issue: July 1, 2013			

MINUTES:

The meeting was called to order at approximately 5:00 PM and Pat Davies of Sanderson Stewart gave an overview of the area proposed for the zone change. The purpose of the proposed zone change was to change the zoning from Agricultural Open (10-acre minimum) to Agricultural Suburban (1-acre minimum) on Tracts 9 & 10 of Certificate of Survey No, 1759 to allow for the parcels to be subdivided into smaller parcels for a residential subdivision.

THE MEETING WAS THEN OPENED TO QUESTIONS:

A question was asked in regard to allowable densities and allowed uses for Agricultural Suburban zoning. It was discussed that this zoning allows for a maximum density of 1 dwelling unit per acre. It was also discussed the zoning code allows for non-residential uses, but it was the intent of the landowner to develop a residential development with single-family homes.

The proposed development was discussed. It is proposed to consist of approximately 14 single-family lots ranging from 1.5 to 5 acres in size. The lots would be served from on-site drainfields and cisterns. Streets meeting County specifications would provide access to the subdivision and a dry-hydrant for fire protection would be required to meet fire protection requirements. Tracts 7 and 8

located to west would not be developed at this time and are not included in the proposed zone change.

A question was asked in regard to the future access of the development. It was discussed the proposed access location is similar in location to the existing access for the house. The site distance requirements for this proposed access has been reviewed and determined to be adequate for the posted speed limits. Some of the residents noted concern of the speeds observed by some drivers along 62nd Street along with the current configuration of the road. It was noted that access related items would be reviewed further during the subdivision process.

General questions were asked in regard to extending City services such as water and sanitary sewer to the west in the future. It was explained that services would most likely be extended to the west in the future but these extensions would be triggered by future development and would require the process of annexation to the City of Billings. It was also discussed that this parcel is not currently in the City's limits of annexation.

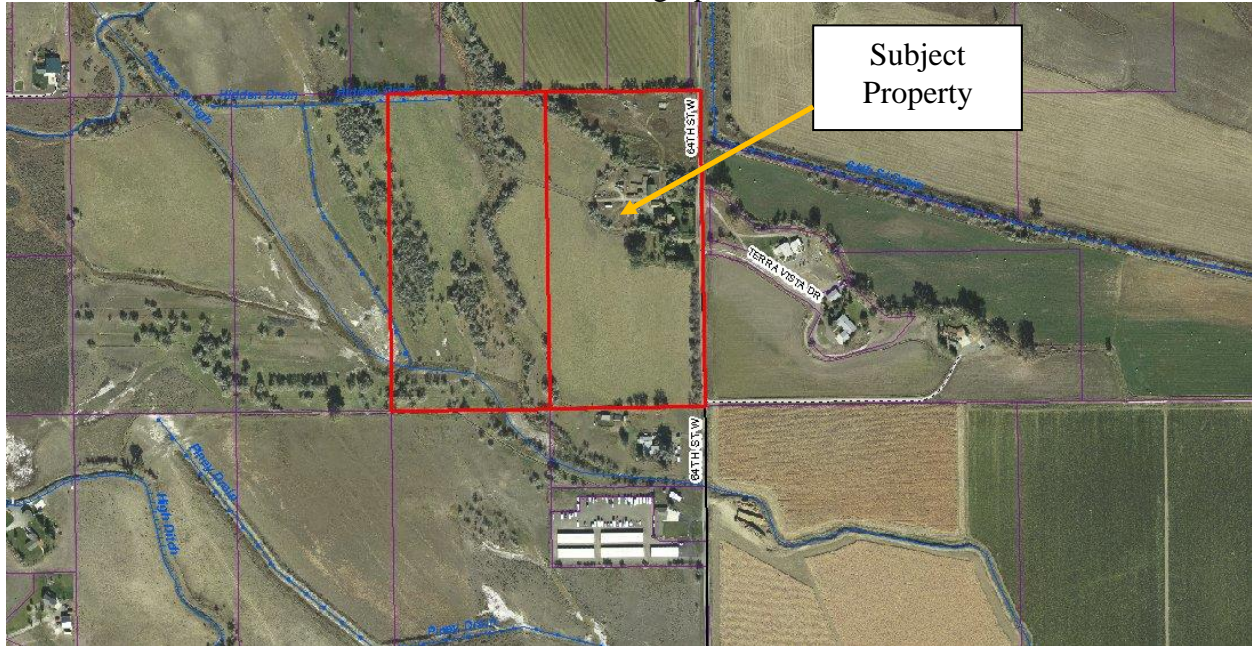
A question was asked whether covenants and restrictions would be created for the property. It was discussed CCR's would be created during the subdivision process and they intent was to create a high quality single-family residential development.

A question was asked as to what would happen to the existing irrigation ditch shares for the property. It was discussed that a pond/irrigation system may be considered that would utilize the shares for and irrigation system that serves the residential lots. The shares could possibly be transferred to an home owner's association that would pay the annual details. This would be further explored with in the subdivision process and coordinated with the respective ditch company(s). Some of the shares would be retained for Tracts 7 & 8 which are not proposed for development.

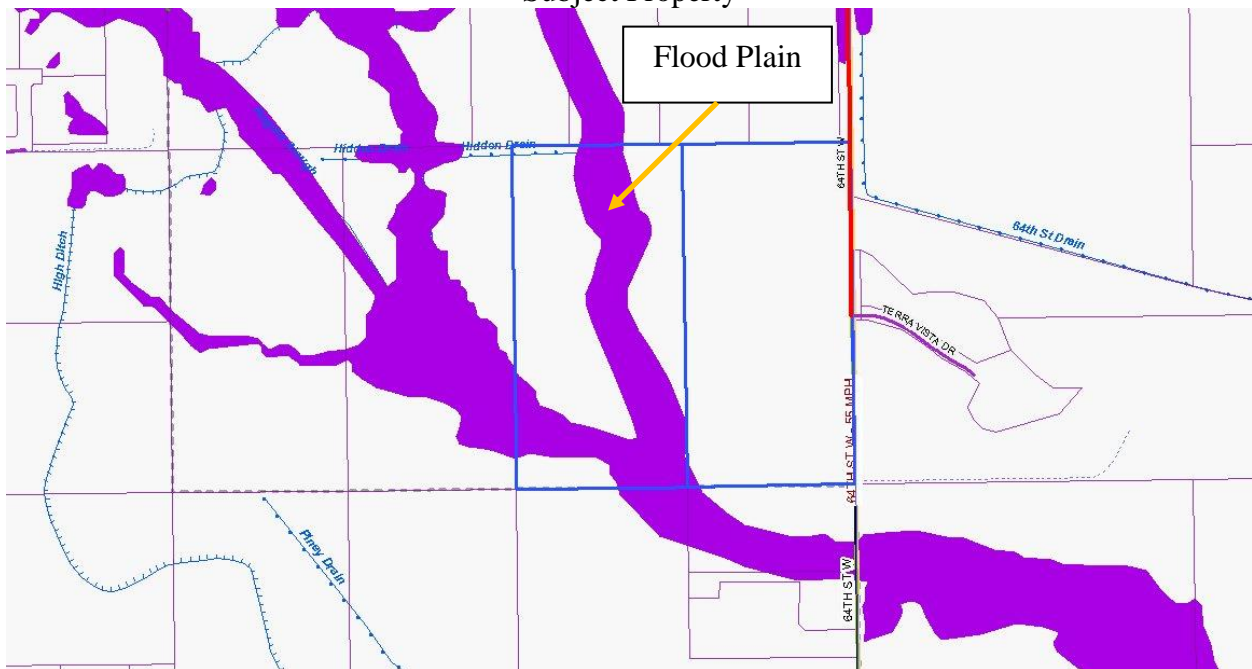
It was discussed that the zone change application would be submitted on July 1, 2013, with a public hearing at the zoning commission on August 12, 2013, and a public hearing and action at the Board of County Commissioners meeting on August 27, 2013, unless otherwise changed. Landowners immediately adjacent to the proposed zone change would be notified by mail.

The meeting was adjourned at approximately 6:30 and some follow-up discussions occurred after the meeting between the attendees.

Attachment C – Zone Change #644
Site Photographs



Subject Property



Attachment C – Zone Change #644, continued
Site Photographs



Subject Property



View north along 64th St West

Attachment C – Zone Change #644, continued
Site Photographs



View south along 64th Street West



View east across 64th Street West